

2A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,192	03/16/2004	Sumino Ono	30732/39953	5138

4743 7590 02/18/2005

MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO, IL 60606

EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
----------	--------------

3754

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

10/801,192

Examiner

Frederick C. Nicolas

Applicant(s)

ONO ET AL.

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/6/2004.
2. ☒ The allowed claim(s) is/are 1 and 2.
3. ☒ The drawings filed on 16 March 2004 and 06 December 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/11/2005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicants' attorney Mr. Richard H. Anderson on 2/14/2005.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1, line 5, "the" first occurrence, has been deleted and --an-- has been inserted; line 6, "so that" has been deleted and --for supplying-- has been inserted; line 6, "can be supplied" has been deleted; line 8, "through which" has been deleted and --for supplying-- has been inserted; line 8, "through which" has been deleted and --for supplying-- has been inserted; line 8, "can be supplied" has been deleted; line 10, "the" first occurrence has been deleted and --an-- has been inserted; line 11, "the" first occurrence has been deleted and --an-- has been inserted; line 15, "the" first occurrence has been deleted and --an-- has been inserted; line 17, "the" third occurrence has been deleted and --a-- has been inserted; line 24, "the" first occurrence has been deleted and --an-- has been inserted; line 25, before "material", --the-- has been added.

Claim 2, line 5, "the" first occurrence, has been deleted and --an-- has been inserted; line 7, "through which" has been deleted and --for supplying-- has been

Art Unit: 3754

inserted; line 7, "can be supplied" has been deleted; line 9, "the" first occurrence has been deleted and --an-- has been inserted; line 10, "the" first occurrence has been deleted and --an-- has been inserted; line 13, "the" first occurrence has been deleted and --an-- has been inserted; line 14, "the" first occurrence has been deleted and --a-- has been inserted; line 21, "the" first occurrence has been deleted and --an-- has been inserted; line 22, before "material", --the-- has been added.

Allowable Subject Matter

2. Claims 1-2 are allowed.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y Mar can be reached on (571)-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/801,192

Page 4

Art Unit: 3754

you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

FN
February 14, 2005

A handwritten signature in black ink, appearing to be 'F. Nicolas', followed by the date '2/14/05' written in a similar cursive style.

Frederick C. Nicolas
Patent Examiner
Art Unit 3754